

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 13-10227-FDS

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<b>ROBERT SCHRODER and</b>	:	
<b>MARGARET SCHRODER,</b>	:	
 <b>Plaintiffs,</b>	:	<b>MDL No. 2419</b>
	:	<b>Master Docket No. 1:13-md-2419-FDS</b>
 <b>v.</b>	:	 <b>Honorable F. Dennis Saylor, IV</b>
 <b>UNIFIRST CORPORATION, A/D/B/A</b>	:	
<b>UNICLEAN CLEANROOM</b>	:	
<b>SERVICES,</b>	:	
 <b>Defendant.</b>	:	

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**SHORT FORM COMPLAINT**

Plaintiffs Robert Schroder and Margaret Schroder (together, “Plaintiffs”), complaining against the defendant UniFirst Corporation a/d/b/a UniClean Cleanroom Services (“Defendant”), allege as follows:

**FIRST COUNT**

1. Pursuant to MDL Order No. 7, entered in *In Re: New England Compounding Pharmacy, Inc. Products liability Litigation*, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendant, and adopt and incorporate by reference the allegations in the Plaintiffs’ Master Complaint, with attachments, and any and all amendments thereto.

2. Plaintiff Robert Schroder is a resident of the State of Michigan.
3. Plaintiff Margaret Schroder is a resident of the State of Michigan.
4. Plaintiff Robert Schroder brings this action :

- On behalf of himself.
- As the representative of \_\_\_\_\_, who is a living person.
- As the Administrator, Administrator ad Prosequendum, or other representative of the Estate of \_\_\_\_\_ (hereinafter “Decedent”), who died on \_\_\_\_\_.

5. Additionally, Plaintiff Margaret Schroder, is the :

- Spouse
- Child/Children
- Other (Set forth) \_\_\_\_\_

of Plaintiff Robert Schroder, is a resident of the State of Michigan, and is hereby named as an additional plaintiff, and claims damages.

6. Plaintiff Robert Schroder asserts that he was administered New England Compounding Pharmacy, Inc. (“NECC”) methylprednisolone acetate (hereinafter referred to as “NECC’s drug”), causing injuries and damages.

7. The aforesaid administration of NECC’s drug occurred as follows: On September 25, 2012, NECC’s drug was administered to Plaintiff by physicians at the Michigan Pain Specialists, located in Brighton, Michigan.

8. Following the administration of NECC’s drugs, Plaintiff Robert Schroder began experiencing symptoms of meningitis, including headaches, neck pain and light sensitivity.

9. On October 6, 2012, Plaintiff Robert Schroder received a telephone call from the Michigan Pain Specialists and was told that the injection he received on September 25, 2012, might have been contaminated with a fungus.

10. On October 8, 2012, Plaintiff Robert Schroder received another telephone call

from the Michigan Pain Specialists and was told that the injection he received on September 25, 2012, definitely was contaminated with a fungus.

11. On October 10, 2012, Plaintiff Robert Schroder went to the hospital and underwent various medical tests, including a painful spinal tap procedure to determine if he had meningitis.

12. On November 26, 2012, Plaintiff Robert Schroder was diagnosed with meningitis, admitted to the hospital, and began treatment for meningitis with antifungal medication.

13. Plaintiffs adopt and incorporate by reference the following Causes of Action asserted against the Defendants in the Master Complaint:

- COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)
- COUNT III: NEGLIGENCE AND GROSS NEGLIGENCE (Against Clinic Related Defendants)
- COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendants)

Plaintiff(s) allege violation of the following consumer protection statute(s):

- COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)
- COUNT VII: BATTERY (Against Clinic Related Defendants)
- COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)
- COUNT IX: TENNESSEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)
- COUNT X: AGENCY (Against Clinic Related Defendants)
- COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)
- COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

- COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants)
- COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

14. Plaintiffs have sent the pre-suit notice or demand requirements necessary to bring the claims set forth herein, as required under M.G.L. c. 93A. *See* Demand Letter to UniFirst, attached hereto as Exhibit 1 and incorporated herein by reference. Plaintiffs also have sent a Notice of Intent to Sue to the Michigan Pain Specialists pursuant to MCL 600.2912b. *See* Notice of Intent to Sue to Michigan Pain Specialists, attached hereto as Exhibit 2 and incorporated herein by reference. Plaintiffs do not now assert, but will seek leave to amend to assert, the following claims against the Michigan Pain Specialists promptly after the time period for giving notice has expired:

NEGLIGENCE and GROSS NEGLIGENCE;

VIOLATION OF M.G.L.C.93A;

BATTERY;

FAILURE TO WARN;

AGENCY;

CIVIL CONSPIRACY; and/or

PUNITIVE DAMAGES.

15. Plaintiff Robert Schroder suffered the following injuries as a result of the administration of NECC's drug: Plaintiff Robert Schroder contracted meningitis and developed a fungal paraspinal abscess/infection, and he has suffered headaches, pain, memory deficits, sensitivity to light and anxiety.

16. Plaintiff Robert Schroder suffered the following damages as a result of the administration of NECC's drug: Loss of work/income, hospitalization and related medical

expenses, long-term drug therapy, and painful past and ongoing medical testing.

17. The additional designated plaintiff, Plaintiff Margaret Schroder has suffered and will continue to suffer the following: Loss of consortium, love and companionship.

WHEREFORE, Plaintiffs demand Judgment against the Defendant awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiffs reserve the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by December 20) and to add or amend allegations against the Defendant named herein based, in part, on further discovery.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury.

Respectfully submitted,  
For Plaintiffs,

/s/ Fredric L. Ellis  
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Date: December 19, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of December 2013, I caused a copy of the above Short Form Complaint to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

/s/ Fredric L. Ellis  
Fredric L. Ellis